Gonzales v. Raich, 125 S. Ct. 2195, 2212 (2005); *Gade v Nat'l Solid Wastes Mgmt. Ass'n*, 505 U.S. 88, 108 (1992). ([U]nder the Supremacy Clause ... 'any state law, however clearly within a State's acknowledged power, which interferes with or is contrary to federal law, must yield'")

And at *Marshall* Brief[10], p47:

"The Ninth Circuit stated: 'The probate court ruled it had exclusive jurisdiction over all of Vickie Lynn Marshall's claims against E. Pierce Marshall. *That ruling was binding on the United States district court.*' (*Id.*, 35) (emphasis added)....

"Because federal courts always have jurisdiction to determine their own jurisdiction, another court's jurisdictional analysis can never deprive them of that right. *The Ninth Circuit held directly to the contrary.*" (emph added) (as they did in *Golin*).

In the *Marshall* analysis lie conclusions (often similar to the petitioners') regarding the issues brought by the petitioners in *Golin*: probate exception, domestic relations, *Exxon-Mobil*, *Rooker-Feldman*, and standing issues created by federal deference to state court rulings. The pending opinion of this Court in *Marshall* will likely answer many if not all of the standing and jurisdictional issues raised by the instant case.

iii. COULD *MARSHALL* DECISION OPEN DOOR FOR GOLINS' ORIGINAL CLAIMS FOR §1985 FEDERAL *REDRESS AND EQUITABLE RELIEF* JURISDICTION, 28 U.S.C. §§1343(3), 1343(4) AFTER ALL?

Petitioners asserted in this Court (Pet. 13, 15) that their substantive claims here, sought in the District Court to be amended by removing the claim for equitable relief, are not barred by *Rooker-Feldman*, in light of *Exxon-Mobil*, because *inter alia* they do not invite the Court to reverse a "final" state court decision, and the type of relief sought was not available in state probate court. But the Court, post-*Marshall*, could possibly reach another conclusion on that matter, requiring *no amendment* of the Golin's Original Complaint. Federal Section 1985 (42 U.S.C. §1985) Civil Rights jurisdiction for equitable relief to redress *interferences* with civil rights has been statutorily authorized by Congress in the enabling statute for Section 1985, incl.

28 U.S.C. §§1343(3), 1343(4), *see* Pet. a45-a45, as follows:

> "(3) To *redress the deprivation*, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;
>
> "(4) To recover damages or to secure *equitable or other relief* under any Act of Congress providing for the protection of civil rights, including the right to vote."
>
> (emph. added)

It was upon a reading of this Statute that petitioners originally believed that they *could* include equitable relief claims in their Original Complaint. This Court in its deliberations in *Marshall* and in its original jurisdiction could *in the alternative* hold that due process procedures were so inadequate in state probate court, *and not "final"*, that petitioners were entitled to invoke federal redress and relief jurisdiction for interference with civil rights - after all. Congress has granted federal jurisdiction for just such a holding. The Court's holdings in *Marshall* could conceivably settle questions that may reach this argument.

CONCLUSION

The questions presented in *Marshall* bear directly upon the relief sought by the petitioners in their Petition for Certiorari. Accordingly, the Golins suggest that a decision regarding their petition may rely significantly upon the Court's consideration of the oral argument and brief, and ultimately upon the Court's pending decision, in *Marshall v. Marshall* (No. 04-1544).

Respectfully submitted,
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